

TOWN BOARD MEETING

WEDNESDAY, FEBRUARY 2, 2022; 7:00 P.M.

NEW WINDSOR TOWN HALL

NEW WINDSOR, NEW YORK

CONDUCTED VIA WEBEX &

Meeting streamed live: <https://www.facebook.com/newwindsorny>

BOARD MEMBERS PRESENT: Supervisor Meyers, Councilman Moreau, Councilman Bedetti, Councilwoman Santiago, Councilwoman Lincoln

PRESENT: David Zagon, ESQ., Town Attorney; Kelly Allegra, Town Clerk; Anthony Fayon, Town Highway Superintendent; Robert Doss, Police Chief; Danyelle Barrett, Information Technology Officer.

SALUTE TO FLAG: Supervisor Meyers called to order the Town Board Meeting and presided over same.

PUBLIC COMMENTS: No public comments on agenda items.

#1 On Agenda: MOTION – APPROVE MINUTES.

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor approve the Minutes of the Town Board Meeting, held on January 5, 2022, as per the copy posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

#2 On Agenda: MOTION – MOTION – AWARD BID – ONE (1) 6 CU. YD. DUMP BODY AND PLOW WITH WING.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor award the bid for one (1) 6 cu.yd. dump body and plow with wing to Amthor Welding Service, Inc., in the amount of \$133,541.00, as recommended by the Town Highway Superintendent and MHE, Engineering D.P.C., per its attached correspondence dated 25 January, 2022.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

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#3 On Agenda: RECEIVE AND FILE – ORDER APPROVING PHASE I ENVIRONMENTAL MANAGEMENT & CONSTRUCTION PLAN SUBJECT TO CONDITIONS – NEW YORK TRANSCO, LLC.

Hearing no objection, the Town Board of the Town of New Windsor hereby receive and file, with the Town Clerk, the attached New York State Public Service Commission Order Approving Phase I Environmental Management & Construction Plan Subject to Conditions issued and effective January 24, 2022 in connection with NY Transco LLC's Rock Tavern to Sugarloaf Electric Transmission Project.

#4 On Agenda: RECEIVE AND FILE – PERMIT BOND – SPAGNOLI EXCAVATING, INC.

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Continuation Certificate for Permit Bond #B158063, submitted by Spagnoli Excavating, Inc., 47 South Plank Road, Newburgh, New York, in the amount of \$20,000.00, effective December 5, 2021 and expiring December 5, 2022. The purpose of the Permit Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town. Same being referred to the Town Attorney and the Town Highway Superintendent.

WATER DEPARTMENT

SANITATION DEPARTMENT

GENERAL

#5 On Agenda: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF) AND CALL PUBLIC HEARING – AMEND CHAPTER 25 OF THE TOWN CODE OF THE TOWN OF NEW WINDSOR ENTITLED “CODE OF ETHICS”.

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor authorize the Supervisor to execute the attached Short Environmental Assessment Form, determine this is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), and call a public hearing to consider a proposed Local Law to amend Chapter 25 of the Town Code of the Town of New Windsor, entitled “Code of Ethics” to be held March 2, 2022 at Town of New Windsor Town Hall, 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m., in accordance with the Resolution attached hereto, and that due notice of same is directed to be given by publication and posting.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

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MOTION – RESOLUTION – AUTHORIZE SUPERVISOR TO EXECUTE SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF) AND CALL PUBLIC HEARING – AMEND CHAPTER 25 OF THE TOWN CODE OF THE TOWN OF NEW WINDSOR ENTITLED “CODE OF ETHICS”.

Motion by Councilman Bedetti, seconded by Councilman Moreau

WHEREAS, the Town Board of the Town of New Windsor, in an effort to bring certain definitions into better alignment with the intent of the Code of Ethics, to further clarify town policy on conflicts of interest and public disclosures regarding holdings, commercial and business interests, which would be perceived as affecting one’s dealings with the Town, has determined to amend its Code of Ethics; and

WHEREAS, the Town Attorney has drafted a proposed Local Law entitled “A Local Law to Amend Chapter 25 of the Town Code of the Town of New Windsor entitled “Code of Ethics”, a copy of which is annexed hereto; and

WHEREAS, said amendment is subject to 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, said amendment is an unlisted action pursuant to SEQRA; and

WHEREAS, the Town Board has caused to be prepared a Short Environmental Assessment Form (“SEAF”), including Parts 1, 2 and 3, copies of which are attached hereto; and

WHEREAS, the Town Board is the only involved and/or interest agency and shall assume Lead Agency.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Windsor that:

1. The movant of this Resolution does hereby introduce the aforementioned Local Law;

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2. The Town Board does hereby declare itself to be Lead Agency under SEQRA for review of this action and determine that this is an unlisted action;
3. The Town Board does hereby authorize the Town Supervisor to sign Parts 1 and 3 of the SEAF, determine this Amendment to Chapter 25 of the Town Code of the Town of New Windsor will not have an adverse environmental impact, and declare a negative declaration regarding same; and
4. A public hearing on the proposed Local Law be set for March 2, 2022 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

#6 On Agenda: MOTION – AMEND 2022 STANDARD SCHEDULE OF FEES.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor hereby amend the 2022 Standard Schedule of Fees as follows:

AMENDMENTS TO 2022 STANDARD SCHEDULE OF FEES

A. PLANNING BOARD FEES:

- 1) Consultant review fees: Upon application to the Planning Board for any action or approval required in accordance with the procedures set forth by Town Law, the applicant shall post with the Town of New Windsor an escrow deposit to cover all engineering and planning consultant fees deemed necessary by the Planning Board. The amounts shall be as follows:
 - a) Residential subdivisions: Two Thousand (\$2,000) Dollars for up to four lots, and One Thousand (\$1,000) Dollars per lot for each lot over the initial four lots.
 - b) Lot line changes: Two Thousand (\$2,000) Dollars at time of application.
 - c) Multi-family site plans: Five Thousand (\$5,000) Dollars, up to forty units, and One Hundred (\$100) Dollars, per unit, for each unit over the initial forty units.

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- d) Commercial subdivisions: Five Thousand (\$5,000) Dollars up to four lots and One Thousand (\$1,000) Dollars per lot for each over the initial four lots.
- 2) Planning Board Workshop Application Fees: these fees will cover up to two (2) meetings, including “no-shows” by the applicant, and are non-refundable. Additional workshop meetings scheduled beyond the 2nd meeting will require an additional fee:
 - a) Residential Fee (Including Minor Subdivisions & Lot Line Changes): One Hundred (\$100) Dollars.
 - b) Commercial Fee (Including Major Subdivisions): Two Hundred Fifty (\$250.00) Dollars.
- 3) Site Plan Fees. [This section is merely being renumbered from “2” to “3”].
- 4) Special Permit Fees. [This section is merely being renumbered from “3” to “4”].
- 5) Land subdivision (including lot line changes) [This section is merely being renumbered from “4” to “5”].

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

#7 On Agenda: RECEIVE AND FILE – RESIGNATION OF JOHN T. FINNEGAN, COMPTROLLER.

Hearing no objection, the Town Board of the Town of New Windsor hereby receive and file, with the Town Clerk, the attached resignation letter of John T. Finnegan, Comptroller, dated January 5, 2022 and effective January 29, 2022.

#8 On Agenda: MOTION - APPOINT TOWN COMPTROLLER – DOREEN CASEY.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor hereby appoint Doreen Casey, 11 Cimorelli Drive, New Windsor, New York, as Comptroller for the Town of New Windsor, effective immediately and that Doreen Casey be retained as Town Comptroller for a term of office in accordance with the provisions of Town Law Section 20(3)(b).

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

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#9 On Agenda: MOTION – SIGN AND COUNTERSIGN TOWN CHECKS.

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor authorize the TOWN SUPERVISOR GEORGE J. MEYERS to sign all checks and COMPTROLLER DOREEN CASEY, to countersign same and permit said Supervisor and Comptroller to use facsimile and/or electronic signatures when necessary.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

#10 On Agenda: MOTION – AUTHORIZE SIGNATORIES – ORANGE BANK & TRUST COMPANY.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That that Town Board of the Town of New Windsor hereby authorize George J. Meyers, Supervisor and Doreen Casey, Comptroller, to act as authorized signatories for Town of New Windsor accounts at Orange Bank & Trust Company in accordance with the Resolution annexed hereto and further authorize each of them to execute said Resolution on behalf of the Town of New Windsor.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

#11 On Agenda: RECEIVE AND FILE – LETTER OF RESIGNATION – BEVERLY MILLER – RECREATION AIDE.

Hearing no objection, the Town Board of the Town of New Windsor hereby receive and file, with the Town Clerk, the attached resignation letter submitted by Beverly Miller and received on January 6, 2022, resigning from her position as Recreation Aide effective February 26, 2022.

#12 On Agenda: MOTION - AUTHORIZE SUPERVISOR TO EXECUTE MEMORANDUM OF UNDERSTANDING – RECREATION AIDES WORK DAY/WORK WEEK – CSEA.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor authorize the Supervisor to execute a Memorandum of Understanding, in substantially the same form as annexed hereto, between Town of New Windsor and CSEA, Local 1000 AFSCME, AFL-CIO adding a new Section, Section 8.7, to the current Collective Bargaining Agreement defining work day/work week for Recreation Aides.

ROLL CALL:

MOTION CARRIED: 4-0

Councilman Moreau – Aye

Councilman Bedetti – Abstain

Councilwoman Santiago – Aye

Councilwoman Lincoln – Aye

Supervisor Meyers - Aye

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#13 On Agenda: MOTION - ADOPT FAIR HOUSING POLICY.

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor shall, within available resources, assist all persons who feel they have been discriminated against to seek equity under federal and state laws by filing a complaint with the New York State Division of Human Rights and the U.S. Department of Housing and Urban Development, as appropriate, in accordance with the attached Resolution.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

MOTION – RESOLUTION - ADOPT FAIR HOUSING POLICY.

Motion by Councilman Bedetti, seconded by Councilman Moreau

WHEREAS, the Town Board of the Town of New Windsor hereby supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law; and

WHEREAS, it is the policy of Town of New Windsor to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8); and

WHEREAS, the Town of New Windsor further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Windsor shall, within available resources, assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New York State Division of Human Rights and the U.S. Department of Housing and Urban Development, as appropriate; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor direct the Town Clerk to publish this resolution in the Official Town Newspaper, post a copy of this resolution together with the attached Fair Housing Notice on the Town's Official Bulletin Board and

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cause the attached Fair Housing Notice to be posted on the Town's website and social media accounts;
and

BE IT FURTHER RESOLVED, that through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New York State Human Rights Law, and any local laws or ordinances; and

BE IT FURTHER RESOLVED, that Town of New Windsor will, at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

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Fair Housing – It's The Right!

Fair housing refers to free and equal access to residential housing – i.e. housing choice. The federal Fair Housing Act makes it illegal to discriminate on the basis of a person's race, familial status (presence of children under age 18), color, national origin, religion, disability (physical or mental), or sex. The New York State Human Rights Law protects all of the same characteristics as the federal Fair Housing Act but also makes it illegal to discriminate based on creed, age, sexual orientation, marital status, or military status.

Orange County complies with the federal Fair Housing Act and the New York State Human Rights Law. The County is committed to promoting fair housing choice for all people.

Fair Housing FAQ

What kind of housing is covered by the Fair Housing Act?

Most housing is covered by the Fair Housing Act. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated private clubs that limit occupancy to members.

In New York State, fair housing laws cover most housing, with three main exceptions:

One-or two-family owner-occupied buildings; Room rentals in housing for individuals of the same sex; and Room rentals in owner-occupied housing.

Illegal Actions

Fair housing laws apply to the sale or rental of housing and also to mortgage lending. They cover some very specific actions. Some typical examples include: Refusing to rent, sell, finance, insure, or negotiate for housing; Making housing unavailable; Setting different terms or conditions, or providing unequal services; Printing or circulating a discriminatory advertisement; Refusing to make or provide information for a loan, or imposing different terms or conditions for a loan; or Harassing, threatening, intimidating, or coercing anyone, including sexual harassment.

Those with Disabilities Are Protected

Under the fair housing laws, a landlord may not: Refuse to make reasonable modifications to a dwelling or common use area to accommodate a person's disability; or Refuse to make reasonable accommodations in policies or services if necessary for the disabled person to use the housing. In addition, any multi-family housing built after 1991 must

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comply with accessibility requirements to ensure that public and common use areas and units are accessible for people with disabilities.

Fair Housing Links

Laws

New York Human Rights Law: <https://dhr.ny.gov/law>

Federal Fair Housing Act Link: <https://www.justice.gov/crt/fair-housing-act-2>

Who can I contact if I believe I've been discriminated against?

Complaints related to discrimination on the basis of race, color, religion, sex, national origin, disability, or familial status may also be filed directly with the U.S. Department of Housing and Urban Development (HUD).

What information do I need to provide to file a fair housing complaint?

If you suspect that you have been discriminated against with regard to housing, file a complaint as soon as possible because there are time limits on when a complaint can be filed with HUD after an alleged violation.

Try to include the following information, if possible, when filing a complaint:

- The name and address;
- The name and address of the person(s) or Company the complaint is against;
- The address or other identifying information of the housing or program the complaint is being filed against;
- A brief description of what happened that caused you to file the complaint; and
- The date(s) of the alleged discrimination.

How can I file a fair housing complaint?

Fair housing complaints can be filed with HUD by telephone, online, email and by mail.

Phone

1-800-669-9777

1-800-927-9275 for TTY users only

Online

English: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>

Spanish:

https://portalapps.hud.gov/AdaptivePages/HUD_Spanish/Espanol/complaint/complaint-details.htm

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Other languages:

https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint_filing_languages_other_english

If you have questions or believe you have been a victim of housing discrimination, you may also contact the Civil Rights Bureau of the New York State Attorney General's Office at 212-416-8250 or civil.rights@ag.ny.gov.

Repairing the Damage

If discrimination has taken place, the laws direct that steps may be taken to remedy the situation. This can include: Requiring changes in policies and practices; Making the housing or loan available; Assessing money damages and/or attorney fees; or Imposing civil fines and penalties.

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#14 On Agenda: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF) - REPLACEMENT/IMPROVEMENT OF HEATING, VENTILATION & AIR CONDITIONING SYSTEM (HVAC); INSTALLATION OF TOUCHLESS PLUMBING FIXTURES AND SENSOR ACTIVATED FRONT DOOR – MARASCO CENTER - 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) – CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES) FUNDING.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor, as the sole involved agency, and in connection with its application for CDBG-CV funds for the replacement/improvement of the heating, ventilation and air conditioning system (HVAC); installation of new touchless plumbing fixtures and a sensor-activated front entrance door at the Town of New Windsor’s senior center, commonly known as the Marasco Center (“Proposed Action”) hereby determine the Proposed Action is an unlisted action pursuant to the State Environmental Quality Review Act; declare itself to be Lead Agency for the review of same and authorize the Town Supervisor to execute Part 1 of the attached Short Environmental Assessment Form (SEAF) and direct the Town Engineer to prepare Parts 2 and 3 of the SEAF, all in accordance with the Resolution annexed hereto.

ROLL CALL: *All Ayes*

MOTION CARRIED: 5-0

MOTION – RESOLUTION – AUTHORIZE SUPERVISOR TO EXECUTE SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF) - REPLACEMENT/IMPROVEMENT OF HEATING, VENTILATION & AIR CONDITIONING SYSTEM (HVAC); INSTALLATION OF TOUCHLESS PLUMBING FIXTURES AND SENSOR ACTIVATED FRONT DOOR – MARASCO CENTER - 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) – CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES) FUNDING.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago

WHEREAS, in a continued effort to reduce the transmission of COVID-19 to Town of New Windsor residents, and especially to its more vulnerable populations, Town of New Windsor, has determined to apply for a total amount of \$495,600.00 in CDBG-CV funds for the replacement/improvement of the heating, ventilation and air conditioning system (HVAC) as well as installation of new touchless plumbing fixtures and a sensor-activated front entrance door at the Town of New Windsor’s senior center, commonly known as the Marasco Center (“Proposed Action”); and

WHEREAS, the goal of the Proposed Action is to reduce the transmission of COVID-19 to seniors and other more vulnerable members of the Town of New Windsor Community which utilize the Marasco Center by improving the ventilation within the building, providing touchless access to the building and providing touchless plumbing fixtures throughout the building; and

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WHEREAS, the Proposed Action is an unlisted action subject to 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has caused to be prepared Part 1 of a Short Environmental Assessment Form (“SEAF”); and

WHEREAS, the Town Board is the only involved and/or interested agency and shall assume Lead Agency;

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Windsor that:

1. The Town Board does hereby determine the Proposed Action is an Unlisted action pursuant to SEQRA and declare itself to be Lead Agency for review of same; and
2. The Town Board authorize the Town Supervisor to sign the attached Short Environmental Assessment Form (SEAF) Part 1; and
3. The Town Engineer be hereby directed to prepare Parts 2 & 3 of the SEAF.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

#15 On Agenda: MOTION - CALL PUBLIC HEARING – 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) – CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES) FUNDING.

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor hereby call a Public Hearing to be held on March 2, 2022, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m., to invite public comment on Town of New Windsor's community development needs, and to discuss the possible submission of a Community Development Block Grant (CDBG) CARES (CV) application for the program year 2020 CDBG-CV funding in accordance with both the attached Resolution and attached Notice of Public Hearing.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

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MOTION - RESOLUTION – CALL PUBLIC HEARING – 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) – CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CAES) FUNDING.

Motion by Councilman Bedetti, seconded by Councilman Moreau

WHEREAS, New York State Homes and Community Renewal (HCR) is administering over \$127 Million in Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act funding (hereinafter (“CDBG-CV”) and will make funds available to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons; and

WHEREAS, Town of New Windsor, intends to apply for a total amount of \$495,600.00 in CDBG-CV funds for the replacement/improvement of the heating, ventilation and air conditioning system (HVAC) as well as installation of new touchless plumbing fixtures and a sensor-activated front entrance door at the Town of New Windsor’s senior center, commonly known as the Marasco Center; and

WHEREAS, Town of New Windsor will hold a public hearing to provide further information about the CDBG-CV program to allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby call a Public Hearing to be held on March 2, 2022, at 555 Union Avenue, New Windsor, New York at 7:00 o’clock p.m., to invite public comment on Town of New Windsor’s community development needs, and to discuss the possible submission of a Community Development Block Grant (CDBG) CARES (CV) application for the program year 2020 CDBG-CV funding; and

BE IT FURTHER RESOLVED that, the Town Clerk is direct to post and publish, on February 18, 2022, the attached Notice of Public Hearing upon her bulletin board and in the Town of New Windsor’ official newspaper.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

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NOTICE OF PUBLIC HEARING
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Town Board of the Town of New Windsor will hold a public hearing on the 2nd day of March, 2022 at 7:00 p.m. in Town Hall, 555 Union Avenue, New Windsor, New York, for the purpose of hearing public comments on the Town of New Windsor's community development needs, and to discuss the possible submission of a Community Development Block Grant (CDBG) CARES (CV) application for program year 2020 CDBG-CV funding.

New York State Homes and Community Renewal (HCR) is administering over \$127 Million in CDBGCV funding and will make funds available to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons.

Town of New Windsor is applying for \$495,600.00 of CDBG-CV funds for the replacement/improvement of the heating, ventilation and air conditioning system (HVAC) as well as installation of new touchless plumbing fixtures and a sensor-activated front entrance door at the Town of New Windsor's senior center, commonly known as the Marasco Center. A copy of the proposed application can be found on the homepage of the Town's website at: <http://newwindsor-ny.gov/>.

The hearing will provide further information about the CDBG-CV program and will allow for citizen participation in the development of the proposed grant application and/or to provide technical assistance to develop alternate proposals.

Comments on the CDBG-CV program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The location of the hearing is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Kelly Allegra, Town Clerk, at (845) 563-4611 or kallegra@newwindsor-ny.gov at least one week in advance of the hearing date to allow for necessary arrangements.

If, due to continued public health and safety concerns related to COVID-19, the Governor of the State of New York extends the State of Emergency, the hearing may be conducted remotely. In the event, the public hearing is conducted remotely, the public will be able to view and participate via the internet and/or telephone. The hearing will be broadcast on the Town's official Facebook page at: <https://www.facebook.com/NewWindsorNY/> or the public can listen by telephone. Information

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on how to listen by telephone will be posted before the meeting on the Town's website at <http://newwindsor-ny.gov/New-Windsor-Connect/Online-Meetings> (a link to this page can also be found in the green box entitled "Virtual Meetings" located in center of the Town's homepage at <http://newwindsor-ny.gov/>). Any member of the public wishing to be heard regarding the proposed application may email questions or comments, before and during the hearing, to questions@newwindsor-ny.gov. Every effort will also be made to give the public the opportunity to participate in the hearing, in real time, via videoconference. Instructions on how to participate will be posted before the hearing on the Town's Facebook page and on the Town's website, at the web address listed above.

Written comments may also be submitted to questions@newwindsor-ny.gov until March 7, 2022 at 4:30 p.m.

BY ORDER OF THE TOWN BOARD

TOWN OF NEW WINDSOR

KELLY ALLEGRA,

TOWN CLERK

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#16 On Agenda: MOTION - ADOPT NEGATIVE DECLARATION PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT – SALE OF TOWN-OWNED REAL PROPERTY – 7 OAK RIDGE DRIVE (.22+/- ACRES) – SBL: 16-3-20.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor, after considering all of the information presented to it, hereby declare the sale of town-owned real property, located at 7 Oak Ridge Drive and further identified on the Town of New Windsor tax maps as Section 16, Block 3, Lot 20, to AV Keystone Castle, LLC will not have a significant impact on the environment and, therefore, authorize the Supervisor to execute the attached Part 3 of the SEAF and adopt a Negative Declaration concerning same.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

MOTION - RESOLUTION – ADOPT NEGATIVE DECLARATION PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT – SALE OF TOWN-OWNED REAL PROPERTY – 7 OAK RIDGE DRIVE (.22+/- ACRES) – SBL: 16-3-20.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago

WHEREAS, the Town of New Windsor is the owner of a certain parcel of land located at 7 Oak Ridge Drive, New Windsor, New York and further identified on the Town of New Windsor tax maps as Section 16, Block 3, Lot 20; and

WHEREAS, on January 5, 2022, the Town Board of the Town of New Windsor Determined to sell said property to AV Keystone Castle, LLC, subject to permissive referendum, said sale herein after referred to as the “Proposed Action”; and

WHEREAS, the Proposed Action is subject to the State Environmental Quality Review Act (SEQRA) and at said January 5, 2022 meeting, the Town Board determined the Proposed Action to be an unlisted action pursuant to SEQRA; declared itself to be lead agency; authorized the Supervisor to execute Part 1 of a Short Environmental Assessment Form (SEAF) and caused to be prepared Parts 2 & 3 of said SEAF;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Windsor, after considering all of the information presented to it, hereby determine the Proposed Action will have no significant environmental impact and authorize the Supervisor to execute Part 3 of the SEAF and adopt a Negative Declaration concerning same.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

TOWN BOARD MEETING
WEDNESDAY, FEBRUARY 2, 2022; 7:00 P.M.
NEW WINDSOR TOWN HALL

#17 On Agenda: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE PROPOSAL – PROFESSIONAL SERVICES – ADELAIDE ENVIRONMENTAL HEALTH – DESIGN OF ASBESTOS ABATEMENT PLANS & ASBESTOS PROJECT/AIR MONITORING SERVICES – TOWN HALL ROOF REPLACEMENT PROJECT.

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor hereby authorize the Supervisor to execute the attached professional services proposal with Adelaide Environmental Health for design of asbestos abatement plans and asbestos project/air monitoring services in connection with the Town Hall Roof Replacement Project.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

#18 On Agenda: MOTION - AUTHORIZE SUPERVISOR TO EXECUTE INTERMUNICIPAL AGREEMENT BETWEEN TOWN OF NEW WINDSOR AND TOWN OF CORNWALL – COOPERATIVE INFORMATION TECHNOLOGY SERVICES.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor authorize the Supervisor to execute the attached Intermunicipal Agreement between Town of New Windsor and Town of Cornwall for purposes of utilizing the Town of New Windsor's Information Technology Officers, on an "as needed" basis in the establishment, configuration, maintenance and oversight of the Town of Cornwall computers, servers, peripherals, network infrastructure and hardware, Geographical Information Services (GIS), radio communication, telecommunication technology, project management, as well as the Town of Cornwall website and email servers.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

#19 On Agenda: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE RETAINER FOR LEGAL SERVICES – DRAKE LOEB, PLLC – STEWART HILL, LLC; ROCK TAVERN VILLAGE, LP AND HENRY VAN LEEUWEN V. TOWN OF NEW WINDSOR, ET AL (INDEX NO.: EF007769-2020).

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor hereby authorize the Supervisor to execute the attached Retainer Agreement with Drake Loeb, PLLC for the provision of legal defense services related to a Complaint entitled Stewart Hill, LLC; Rock Tavern Village, LP and Henry Van Leeuwen v. Town of New Windsor, et al (Index No.: EF007769-2020).

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

TOWN BOARD MEETING
WEDNESDAY, FEBRUARY 2, 2022; 7:00 P.M.
NEW WINDSOR TOWN HALL

#20 On Agenda: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE RETAINER FOR LEGAL SERVICES – DRAKE LOEB, PLLC – ZIGMUND BRACH AND STEWART HILL V. TOWN OF NEW WINDSOR, ET AL (CIVIL ACTION #7:21-cv-01312).

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor hereby authorize the Supervisor to execute the attached Retainer Agreement with Drake Loeb, PLLC for the provision of legal defense services related to a federal lawsuit entitled Zigmund Brach and Stewart Hill, LLC v. Town of New Windsor, et al (Civil Action #7:21-cv-01312).

ROLL CALL: *All Ayes*

MOTION CARRIED: 5-0

#21 On Agenda: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE RETAINER FOR LEGAL SERVICES – DRAKE LOEB, PLLC – STEWART HILL, LLC; ROCK TAVERN VILLAGE, LP AND HENRY VAN LEEUWEN V. TOWN OF NEW WINDSOR, ET AL (INDEX NO.: EF004486-2021).

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor hereby authorize the Supervisor to execute the attached Retainer Agreement with Drake Loeb, PLLC for the provision of legal defense services related to a Complaint entitled Stewart Hill, LLC; Rock Tavern Village, LP and Henry Van Leeuwen v. Town of New Windsor, et al (Index No.: EF004486-2021), which matter has been consolidated with the matter of Stowaway Self Storage VII, LLC and Toleman Road Associates, LLC v. Town of New Windsor, et al (Index No.: EF005598-2021) for which Drake Loeb, PLLC has previously been retained.

ROLL CALL: *All Ayes*

MOTION CARRIED: 5-0

#22 On Agenda: MOTION – AUTHORIZE SOLICITOR'S PERMIT – CHRISTOPHER ROMAINE, D/B/A FLAVORHUT, LLC.

Motion by Councilwoman Lincoln, seconded by Councilwoman Santiago That the Town Board of the Town of New Windsor authorize a Solicitor's Permit to Christopher Romaine, d/b/a Flavorhut, LLC to sell food items, such as chicken wraps, seafood, hot wings, loaded nachos, fries and beverages from a truck, at various locations in Town of New Windsor. Permit shall be obtained from the Town Clerk's Office.

ROLL CALL: *All Ayes*

MOTION CARRIED: 5-0

#23 On Agenda: RECEIVE AND FILE – OCCUPANCY AGREEMENT – AMAZON.COM SERVICES, LLC – 500 HUDSON VALLEY AVENUE, NEW WINDSOR, NY (SBL: 3-1-54.2).

Hearing no objection, the Town Board of the Town of New Windsor receive and file, the attached, Occupancy Agreement between Amazon.com Services, LLC and Town of New Windsor dated the 19th day of November, 2020 memorializing Amazon.com Services, LLC responsibilities relative to the Revocable Land Use Permit issued by New York City Department of Environmental Protection required as a condition of its site plan approval. Said Occupancy Agreement was recorded in the Orange County Clerk's Office on the 29th day of December, 2021 in Liber 15121 at page 309.

TOWN BOARD MEETING
WEDNESDAY, FEBRUARY 2, 2022; 7:00 P.M.
NEW WINDSOR TOWN HALL

#24 On Agenda: RECEIVE AND FILE – LETTER AGREEMENT –INTERMUNICIPAL LOAN OF EQUIPMENT – TOWN OF NEW WINDSOR TO TOWN OF NEWBURGH – PORTABLE GENERATORS.

Hearing no objection, the Town Board of the Town of New Windsor shall receive and file the attached Letter Agreement, dated December 17, 2021, between Town of New Windsor and Town of Newburgh, for the sharing, at no cost, of Town of New Windsor's portable generators, on a temporary basis. Said Agreement is effective until December 31, 2022.

#25 On Agenda: RECEIVE AND FILE – LETTER AGREEMENT – INTERMUNICIPAL LOAN OF EQUIPMENT - TOWN OF NEWBURGH TO TOWN OF NEW WINDSOR – VALVE EXERCISING EQUIPMENT.

Hearing no objection, the Town Board of the Town of New Windsor shall receive and file the attached Letter Agreement, dated January 28, 2022, between Town of New Windsor and Town of Newburgh, for the sharing, at no cost, of Town of Newburgh's valve exercising equipment, together with an operator for same. Said Agreement is effective until December 24, 2022

#26 On Agenda: RECEIVE AND FILE – EMERGENCY ACTION PLAN UPDATE (LAST REVISED NOVEMBER, 2021) – BEAVER DAM LAKE DAM.

Hearing no objection, the Town Board of the Town of New Windsor shall receive and file, with the Town Clerk, the attached Emergency Action Plan Update (last revised November, 2021) for the Beaver Dam Lake Dam (NYSDEC DAM ID #195-0502/Federal Dam ID NY 00619).

#27 On Agenda: RECEIVE AND FILE – RULING ON EXTENSION REQUEST - JOINT PETITION OF AMERICAN WATER WORKS COMPANY, INC., NEW YORK AMERICAN WATER COMPANY, INC., AND LIBERTY UTILITIES (EASTERN WATER HOLDINGS) CORP. FOR APPROVAL OF LIBERTY UTILITIES ACQUISITION OF NEW YORK AMERICAN WATER COMPANY, INC. AND THE ASSOCIATED ISSUANCE OF LONG-TERM INDEBTEDNESS.

Hearing no objection, the Town Board of the Town of New Windsor receive and file, with the Town Clerk, the attached Ruling on Extension Request in the matter of the Joint Petition of American Water Works Company, Inc., New York American Water Company, Inc., and Liberty Utilities (Eastern Water Holdings) Corp., for approval of Liberty Utilities proposed acquisition of New York American Water Company, Inc. and the issuance of associated long-term debt.

TOWN BOARD MEETING
WEDNESDAY, FEBRUARY 2, 2022; 7:00 P.M.
NEW WINDSOR TOWN HALL

#28 On Agenda: RECEIVE AND FILE – 2022 MONTHLY REPORTS

Hearing no objection, the Town Board of the Town of New Windsor shall receive and file, with the Town Clerk, the attached Monthly Reports for the following Departments for January, 2022:

Justice Calderin	Month of January, 2022
Justice Meyers	Month of January, 2022
Police Department	Month of January, 2022
Building Department	Month of January, 2022
Recreation Department	Month of January, 2022
Tax Receiver Monthly Tax Statement	Month of January, 2022
Tax Receiver Utility Report	Month of January, 2022
Town Clerk	Month of January, 2022
New Windsor Emergency Medical Service	Month of January, 2022

#29 On Agenda: PUBLIC FORUM: no public comments

#30 On Agenda: MOTION – ADJOURN MEETING.

Motion by Councilman Bedetti, seconded by Councilman Moreau That the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:30 P.M.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

Respectfully submitted,

Kelly Allegra

Town Clerk, Town of New Windsor